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7/18/03

Application No. 10/073,447
Response to Office Action Dated July 8, 2003
In Reply to USPTO Office Action dated April 8, 2003
Attorney Docket No. 3139-011903

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/073,447
Applicant : Andrew R. Jamieson
Filed : February 11, 2002
Title : **Strawberry Variety Named
'EVANGELINE'**
Group Art Unit : 1661
Examiner : Michelle R. Kizilkaya

MAIL STOP NON-FEE AMENDMENT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

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RESPONSE TO OFFICE ACTION

Sir:

In response to the Office Action dated April 8, 2003, Applicant submits the following remarks:

Response Under 37 C.F.R. § 1.105 begins on page 2 of this paper.

Remarks begin on page 3 of this paper.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on July 8, 2003.

Theresa Ulinski

(Name of Person Mailing Paper)

Signature

Date

Theresa Ulinski 07/08/2003

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RESPONSE UNDER 37 C.F.R. § 1.105

The undersigned is advised that the claimed variety was first publicly available in Canada after May 3, 1999. 'Evangeline' has never been commercialized, nor available for public use in any other country, including the United States. Additionally, the following documents are submitted:

- Plant Varieties Journal (the official record of the Canadian Plant Breeder's Rights Office), April 1997, No. 23, Page 12, identifying the date of application for 'K93-1' ('Evangeline').
- Plant Varieties Journal, October 1998, No. 29, Pages 79-81, published proposed denomination for 'Evangeline'.
- Plant Varieties Journal, July 1999, No. 32, Page 6, indicating grant of Canadian Plant Breeder's Right for 'Evangeline'.